

Town of Amherst
Zoning Board of Appeals - Special Permit

DECISION

Applicant: Aaron R. Bagg

Date application filed with the Town Clerk: December 12, 2005

Nature of request: A Special Permit to amend Special Permit FY2004-00018 in order to construct dormers on the third floor while replacing the roof.

Address: 296 North Pleasant Street (Map 11C, Parcel 172, R-G Zoning District)

Legal notice: Published on January 11th and 18th, 2006 in the Daily Hampshire Gazette and sent to abutters on January 5, 2006

Board members: Tom Simpson, Ted Rising and Jane Ashby

Submissions: The petitioner submitted the following plans:

- A hand drawing of the front and side views of the proposed dormers.
- A plan showing the existing third floor apartment which will be renovated with the roof replacement, drawn by Robinson Engineering, dated 11/8/05.
- A revised plan of the front and side elevations drawn by Robinson Engineering, dated 1/24/06

The Historical Commission submitted:

- A revised plan of the petitioner's initial dormer proposal, dated 1/9/06.
- An email recommending the reconfiguration of the roof line in order to maintain the building's architectural integrity and provide more headroom on the third floor, dated 1/1/06.
- An email through the Planning Director suggesting that the proposed addition could be gabled dormers instead of a raised roof for the entire third floor, dated 1/25/06

Site Visit: January 24, 2006

The Board met with Aaron Bagg at the site. They observed the following:

- The location of the apartments on all three floors, some of which are under renovation
- The structural improvements to the house and roof to date.
- The 30 inch spacing of the third floor joists, not the current standard of 16 inches.
- The historic house as one of six Gothic-detailed buildings in a row, built in the second half of the 19th century

Public Hearing: January 26, 2006

Applicant Aaron Bagg spoke to the application at the hearing. Ray Mitchell, the applicant's contractor from Apartment Maintenance & Care, Inc. and Dianne Bagg, the property owner, also testified.

The following information was presented:

- Special Permit FY2004-00018 had been granted to Diane Bagg to convert a 3 dwelling-unit building with 7 single-occupancy rooms into a 5-dwelling unit building. The 7 single-occupancy rooms were eliminated under this permit.
- The third floor apartment already existed and was not part of the FY2004 Special Permit.
- In the process of renovation and replacing the roof, the applicant inquired about adding a dormer in order to improve the head room for the third floor apartment.
- The applicant spoke to the Board of Appeals at a public meeting on November 10, 2005 to determine whether the dormer additions would constitute a de minimus change to Special Permit FY2004-00018. The Board determined that the proposed dormers would constitute a significant change to the third floor apartment, requiring a modification of the permit.
- Two different dormer designs have been proposed – the applicant's, which has a more horizontal roofline, and the Historical Commission's, with a steeper pitch to match the existing roofline.

A model of the house with the two models of dormers was shown to the Board. Either of the proposed dormers would cover about three-fourths of both sides of the roofline for the front, three-story section of the building. The building height with the applicant's proposed (horizontal) dormers would remain at the current 30 feet. The Historical Commission's recommendation of a dormer with greater pitch would add six (6) feet to the height of the building; the front roof peak would then be 36 feet from grade. A maximum height of 40 feet is permitted in General Residential Zoning District.

Mr. Rising asked if the applicant has a preference for the type of dormer. Mr. Mitchell stated that either style would work. Either would provide the legal height needed for the third floor bathroom and stairway. The proposed lower dormer (the applicant's) may be more cost effective, but that isn't entirely clear, Mr. Mitchell added. As for New England weather, the steeper pitched dormer would be better for snow removal and the longevity of the roof.

Mr. Rising noted that the Historical Commission's proposal is more compatible with the rooflines of the neighborhood, and better maintains the integrity of this historical home.

Ms. Ashby asked about the setback of the dormer from the front of the house, and whether the entire roofline will be raised. Mr. Bagg stated that the dormers will begin about three feet back from the front of the building, and will extend about halfway back along the building, encompassing most of the third floor apartment. The back half of the building is only two stories tall, around 25 feet in height, and will not be affected.

Mr. Bagg noted that the walls and stairway for the third floor apartment will have to be changed along with the roof, so that the work and expense may be about the same for either type of dormer.

Mr. Simpson noted that the original Special Permit did not focus on the third floor apartment. Mr. Bagg stated that the third floor apartment already existed, so the Zoning Board of Appeals did not include it as part of the conversion application. Now, with the roof replacement, the floor plan of this unit is changing. The apartment does not meet the fire code as well as several building codes, so that the submitted plans for the third floor apartment will have to be redrawn.

Mr. Simpson stated that the decision for the dormer type can be made and the plans for that can

be signed, but that new floor plans for the third floor apartment must be re-submitted to the Board for final approval at a public meeting.

Mr. Rising moved to close the evidentiary part of the hearing. Ms. Ashby seconded the motion, and the vote was unanimous to close the hearing.

Public Meeting:

The Board and the petitioner agreed that the more pitched dormers recommended by the Historical Commission were best both for headroom in the third floor apartment and for the historical integrity of the house. To that end the Board approved the revised plans showing front and side elevations of the proposed dormers, drawn by Robinson Engineering and dated January 24, 2006.

Ms. Ashby noted that the trim on the dormers should match that of the existing windows and eaves, particularly for the front of the building. Mr. Simpson said that a gable vent on the front end of the house would be in keeping with the rather ornate trim as well. The petitioner agreed to maintain and continue the historical features of the house with the addition.

The Board reviewed the conditions of Special Permit FY2004-00018 and noted that Condition #3 of that permit is the major modification that this application addresses. The renovation of the house was approved according to the plans signed by the Board on November 20, 2003. The new plans showing the modifications to the third floor apartment, roofline, and stairway will be an addition to the earlier plans of the FY2004 Special Permit.

Findings:

The Board finds under Section 10.38 of the Zoning Bylaw, Specific Findings required of all Special Permits, that:

10.380 & 10.381 – The proposal is suitably located in the neighborhood and is compatible with other uses, since the neighborhood has a number of houses with multiple-dwelling units and others with mixed use. Alterations of homes in this historic district are common, with most maintaining the historical integrity of the neighborhood.

10.382 & 10.385 – The proposal would not constitute a nuisance due to noise, odor, etc. because the number of dwelling units will not change. The added dormers will not create an offensive structure because they will respect the historical integrity of the house.

10.383 & 10.384 – Adequate and appropriate facilities will be provided for the proper operation of the third floor apartment because the added dormers will improve the space on the third floor and enable the fire and building codes to be addressed.

10.391 & 10.395 – The proposal protects, to the extent feasible, unique historic features of the house by accepting the dormer design that was recommended by the Historical Commission.

10.398 – The proposal is in harmony with the general purpose and intent of the Zoning Bylaw because it will better provide a suitable environment for residential life in the center of Amherst. The proposal also protects the essential characteristics of an existing historical house.

Zoning Board Decision:

Ms. Ashby moved to APPROVE the Special Permit application, with conditions. Mr. Rising seconded the motion.

For all of the reasons stated above, the Board VOTED to amend Special Permit FY2004-00018 in order to construct dormers on the third floor while replacing the roof, on the premises at 296 North

Pleasant Street, (Map 11C / Parcel 172, R-G Zoning District), as requested in the application filed by Aaron R. Bagg, with conditions.

TOM SIMPSON

TED RISING

JANE ASHBY

FILED THIS _____ day of _____, 2006 at _____,
in the office of the Amherst Town Clerk _____.

TWENTY-DAY APPEAL period expires, _____ 2006.
NOTICE OF DECISION mailed this _____ day of _____, 2006
to the attached list of addresses by _____, for the Board.

NOTICE OF PERMIT or Variance filed this _____ day of _____, 2006,
in the Hampshire County Registry of Deeds.

**Town of Amherst
Zoning Board of Appeals**

SPECIAL PERMIT

The Amherst Zoning Board of Appeals hereby grants a Special Permit to amend Special Permit FY2004-00018 in order to construct dormers on the third floor while replacing the roof, on the premises at 296 North Pleasant Street (Map 11C / Parcel 172, R-G Zoning District), as requested in the application filed by Aaron R. Bagg, subject to the following conditions:

1. There shall be a resident on-site manager for the five dwelling units in the building. The name and telephone number of the resident manager shall be on file in the office of the Board of Appeals and in the office of the Building Commissioner prior to the issuance of a Certificate of Occupancy.
2. The Management Plan approved on November 20, 2003 as part of Special Permit FY2004-00018 shall continue to be applicable.
3. The renovation of the building and site improvements shall be constructed according to three sets of plans: 1) those approved by the Board November 20, 2003, then revised and approved on June 24, 2004 at a public meeting, 2) plans drawn by Robinson Engineering dated 1/24/06 showing the dormer type and elevation, approved by the Board on January 26, 2006, and 3) revised plans of the third floor apartment and stairways that shall be submitted to the Board for its review and approval at a public meeting prior to issuance of a building permit for the third floor and roof renovations.
4. The materials, trim, and design of the dormers shall match the proportions and architectural character of the existing house.
5. The screening around the trash and recycling receptacles shall be at least as high as the top of the receptacles.

TOM SIMPSON, Chair
Amherst Zoning Board of Appeals

DATE